



# House of Representatives

General Assembly

**File No. 211**

February Session, 2008

House Bill No. 5735

*House of Representatives, March 26, 2008*

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING INDIVIDUALS WHO TRANSPORT PATIENTS OR CLIENTS UNDER THE CARE, CONTROL OR CUSTODY OF A STATE AGENCY, AND THE VEHICLES USED BY SUCH INDIVIDUALS TO PROVIDE TRANSPORTATION SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) Any individual  
2 utilized by a state agency to transport patients or clients under the  
3 care, custody or control of such state agency shall have a motor vehicle  
4 operator's license that is in full force and effect for the type of vehicle  
5 operated by such individual. As used in this section, any vehicle used  
6 for the purpose of transporting patients or clients under the care,  
7 custody or control of a state agency shall be referred to as a "transport  
8 vehicle". Individuals operating transport vehicles shall not have any  
9 moving violations or similar motor vehicle infractions during any one  
10 year period prior to the operation of any transport vehicle. Every six  
11 months, the state shall review the driving record of any individual  
12 operating a transport vehicle for compliance with the requirements of  
13 this subsection.

14 (b) Any individual utilized by a state agency to transport patients or  
15 clients under the care, custody or control of such state agency shall be  
16 trained in the procedures to properly fasten seat belts on persons with  
17 disabilities, especially such persons in wheelchairs and on persons  
18 who are unable to properly fasten a seat belt themselves. These  
19 procedures shall be in writing and shall be issued to any individual  
20 operating a transport vehicle. Before any such individual is allowed to  
21 transport any persons with disabilities, such individual shall review  
22 these procedures and demonstrate the proper implementation of such  
23 procedures.

24 (c) The state shall conduct an inspection, at least once per month, of  
25 each transport vehicle to ensure that all seats, seat belts and other  
26 required safety equipment function properly.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	New section

**TRA**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Various State Agencies	GF; TF - Cost	Significant	Significant

Note: GF=General Fund; TF=Transportation Fund

**Municipal Impact:** See Below

#### **Explanation**

The bill concerns individuals who transport patients or clients under the care, custody or control of a state agency and the vehicles used by such individuals to transport the clients.

Its enactment will result in a significant fiscal impact to the state for costs associated with: 1) driver record checks every six months for all individuals who transport clients; 2) monthly inspections of all transport vehicles; 3) training; and 4) increased personnel costs that would result due to an individual's potential inability to transport a client because of a driving infraction. It is anticipated that, at a minimum, the following state agencies would be impacted: Departments of Developmental Services (DDS), Mental Health and Addiction Services (DMHAS), Children and Families (DCF), Correction (DOC), Motor Vehicles (DMV), Veterans' Affairs; and the Judicial Department.

There are over 11,500 state employees that transport clients/patients, utilizing over 2,200 vehicles. The bill's requirements would also impact the private providers that contract with these state agencies and transport clients (it is anticipated that any allowable increased costs to the private providers due to the bill's provisions would be passed on to the contracting state agency or the state agency would incur the cost directly). Although the total number of private

provider staff and vehicles that would be impacted is uncertain, assumptions are presented below for some of the aforementioned agencies for comparison purposes. Below is a further explanation of the various fiscal impacts anticipated from the bill.

### **Individuals and Vehicles**

Department of Developmental Services has an estimated 2,500 staff that transport clients and 450 vehicles involved; over 8,250 private provider staff and an estimated 2,000 vehicles.

Department of Mental Health and Addiction Services has an estimated 3,000 staff that transport clients and 338 vehicles; it is unknown how many individuals and vehicles in DMHAS' private provider network would be impacted, however it is anticipated that at least the same volume as state staff.

Department of Correction has an estimated 4,000 DOC employees that transport inmates and utilizes 420 vehicles. DOC's contracted private providers would also be involved in transporting clients, however it is unknown at this time how many individuals and vehicles this would include.

Department of Veterans' Affairs has approximately 10 individuals that transport clients and utilizes 8 vehicles.

Judicial Department has 57 vehicles that are used by approximately 430 staff to transport individuals. It is anticipated that there would also be an impact from the private providers that Judicial contracts with, as they also transport individuals under the care or custody of the department, however the magnitude of that impact is unknown.

Department of Children and Families has approximately 1,560 staff that transport clients utilizing an estimated 1,000 vehicles. Over 4,000 private provider staff utilize an unknown number of vehicles.

### **Driving Record Check**

It is anticipated that agencies could either apply to DMV for online access to the Driving Record Data System or they could instead submit a request for each record check through the DMV. To the extent that impacted agencies choose to utilize the online access, it is anticipated that the DMV will incur less than \$100,000 annually for the increased usage associated with the record checks. Each agency would incur administrative costs (e.g. personnel) to process and review the record checks required. Each agency's cost would depend on the volume of drivers and their current administrative capacity. It is unclear what process the agencies would use to accommodate the record checks for private providers. Some agencies may incur one-time costs to establish a process by which the information can be transmitted.

Currently, DMHAS has the capability to perform driving record checks for new hires. The bill's provisions would increase the volume of these record checks significantly for the department and result in increased need for staff (at least one position at a \$56,870 annual salary plus \$32,900 in fringe benefits).

All other agencies impacted that currently do not have access to driving record information would incur costs associated with performing and reviewing the record checks. The annual cost for an additional staff to perform these duties may range from \$35,000 - \$57,000 (additional fringe benefit costs would correspondingly range from \$20,300 - \$33,000). The salary would depend on the position selected by the agency to fulfill this requirement.

### **Vehicle Inspections**

The bill requires that the transport vehicle receive a safety inspection once a month (a safety inspection is assumed to be more comprehensive than just a seat belt check). The bill does not specify who shall perform the safety inspection. Depending upon whether an agency increases the number of its personnel (that perform similar duties) to service the inspections, utilizes another state agency's inspection capabilities or contracts out (commercial inspections), the cost will vary. As an example, if safety inspections were performed at

a \$25 - \$40 per vehicle fee, the annual cost to perform monthly safety inspections on state transport vehicles for DDS, DMHAS, DCF, DOC and Judicial is estimated to cost \$682,000 - \$1 million; if DDS's private provider vehicles are also included, another \$600,000 - \$960,000 cost would be incurred, for total annual costs of \$1.3 to \$2.0 million. To the extent that similar safety inspections are currently being performed on vehicles that would meet the bill's requirements, this would reduce the overall cost for vehicle inspections. The above mentioned costs do not include any staff time that would be involved in taking the vehicles to and from the location where the safety inspection will occur.

### **Personnel Costs due to Moving Violations**

It is anticipated that, due to the bill's provision restricting an individual from transporting a client if they have a moving violation or infraction, state agencies will incur personnel costs. The agencies (and their contracted private providers) would incur additional personnel costs for accommodating a staff member's inability to transport clients. The lack of flexibility in shift assignment, workload and location of programs will result in increased costs (including overtime and hiring additional staff).

### **Training Costs**

The bill requires that individuals review procedures on seatbelt safety and demonstrate implementation. Costs for a training session will depend on the individual's hourly wages, in addition to any training material distributed. As an example, for every 1,000 state employees that are paid at an hourly wage of \$25, this would result in a cost of \$25,000. It is assumed that the training would be one-time for current staff and every new hire. To the extent that an agency's current training model would meet the bill's requirements, this would reduce the overall impact to the state.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation except for any one-time

costs associated with the bill.

**OLR Bill Analysis****HB 5735*****AN ACT CONCERNING INDIVIDUALS WHO TRANSPORT PATIENTS OR CLIENTS UNDER THE CARE, CONTROL OR CUSTODY OF A STATE AGENCY, AND THE VEHICLES USED BY SUCH INDIVIDUALS TO PROVIDE TRANSPORTATION SERVICES.*****SUMMARY:**

This bill requires anyone a state agency uses to transport patients or clients in the agency's care, custody, or control to have a valid driver's license for the type of vehicle being operated. It prohibits such a driver from operating in this capacity for a state agency if he has any motor vehicle infractions or moving violations during the year before driving for the agency.

The bill also requires the "state" to (1) review for compliance every six months the driving record of anyone performing these driving functions and (2) perform monthly inspections of the vehicles used to transport the clients or patients to assure seats, seat belts, and other required safety equipment function properly. The bill does not specify what state entity is responsible for these periodic checks and inspections.

Finally, the bill requires these drivers to be trained properly fasten seat belts on disabled passengers, especially those in wheelchairs or who cannot properly fasten the belts themselves. The training procedures must be written and given to the driver. Before driving a disabled person, the driver must review them and demonstrate their proper implementation. The bill does not specify who must conduct the driver training.

EFFECTIVE DATE: October 1, 2008

**COMMITTEE ACTION**



## Transportation Committee

Joint Favorable

Yea 31      Nay 0      (03/07/2008)